

SEYFARTH
ATTORNEYS SHAW LLP

Writer's direct phone

(312) 269-8954

Writer's e-mail

jtsratman@seyfarth.com



55 East Monroe Street

Suite 4200

Chicago, IL 60603-5803

312-346-8000

fax 312-269-8869

www.seyfarth.com

July 7, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Snap-on Incorporated
Matter No. 451590
Patent Application for:
SUSPENDABLE LOCKER
Filed: March 22, 2004
Serial No. 10/804,985

Dear Sir:

Transmitted herewith for filing are a Petition to Make Special with attached copy of British patent no. 477,158 and Second Preliminary Amendment in the above-captioned application, sent with Certificate of Mailing thereon.

Also enclosed is our check for \$130 for the petition filing fee.

Please charge any additional fees or credit any over-payment incident to the filing of this document to Deposit Account No. 19-1351.

Sincerely yours,

SEYFARTH SHAW LLP


J. Terry Stratman

JTS:if

ATLANTA BOSTON CHICAGO HOUSTON LOS ANGELES NEW YORK SACRAMENTO SAN FRANCISCO WASHINGTON, D.C. BRUSSELS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)

CUSTOMER NO. 27717

Jack A. Parise et al.)

Serial No.: 10/804,985)

Filed: March 22, 2004)

Title: SUSPENDABLE LOCKER)

Seyfarth Shaw Docket No. 451590)

Date: July 7, 2004)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL

Dear Sir:

Pursuant to the provisions of 37 CFR § 1.102(d), applicants hereby petition the Commissioner to make the above-captioned application special on the grounds of actual infringement. Submitted herewith is our check in the amount of \$130 in payment of the petition fee pursuant to 37 CFR § 1.17(h). This petition includes and constitutes a statement by applicants' undersigned attorney as required by MPEP § 708.02.

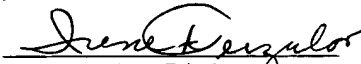
07/14/2004 YPOLITE1 00000079 10804985

01 FC:1460

130.00 0p

Certificate of Mailing

I hereby certify that, on July 7, 2004, this correspondence is being deposited with the U. S. Postal Service, as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Irene Feizulov

STATEMENT

Submitted herewith is a Second Preliminary Amendment, whereby the subject application now includes claims 17-20 and 23-29.

A pre-examination search with respect to the invention of those claims was conducted in May, 1999 in class 312, subclasses 249.9, 235.1, 235.3, 208.4 and 209. That search located the references listed in the Information Disclosure Statement filed with the parent application, serial no. 09/750,976, and also listed in the Information Disclosure Statement filed with the above-captioned application. In addition, searches were conducted by the examiner in the aforementioned parent application. All of the prior-art references located by applicants and by the examiner in the aforementioned searches are listed on the face of U.S. patent no. 6,719,384 into which the parent application matured.

It is believed that the most pertinent of those references are the British patent no. 477158 (copy enclosed) and U.S. patent nos. 5,443,311 to Kadlacek et al. and 3,656,587 to Siegel. The British patent discloses an open-bottom cabinet with a side opening closeable by doors, into which a wheeled cart may be rolled. Kadlacek et al. discloses an end cabinet 45 mountable on the end of a rolling tool cabinet 12, and Siegel discloses a cash register support 30 mountable by means of a hook-type flange on an associated conveyor (see Fig. 3).

None of these references discloses the concept of providing an open-bottom cabinet with lockable doors into which a tool-containing cart can be rolled, as recited by claim 17, for the purpose of securing the tools without having to remove them from the cart and lock them in the associated lockable cabinet. Furthermore, these references do not disclose the notion of mounting such an open-bottom locker on an associated cabinet, as recited in claim 27, or doing so by means of a hook-type flange and fasteners through openings in a wall of the locker, as recited in claim 25.

Also, the references do not teach providing structural supports on side walls of the locker and guarding the supports with structure coupled thereto and projecting laterally inwardly therefrom, as required by claim 26.

Applicants have become aware of a product sold by Matco Tools, designated as its MB9503 5-S Series "Docking Locker", illustrated in the enclosed advertisement of Exhibit 1, Matco Tools drawing of Exhibit 2 and photographs of Exhibit 3. The photographs of Exhibit 3 were taken by applicants' assignee of a purchased sample of the aforementioned Matco Tools locker.

In the opinion of applicants' undersigned attorney, at least claims 17 and 25-27 are infringed by the Matco Tools locker.

For the foregoing reasons it is submitted that expedited examination of these application is appropriate and, accordingly, it is respectfully requested that the application be made special.

Respectfully submitted,

Seyfarth Shaw LLP
Attorneys for Assignee
55 East Monroe Street
Suite 4200
Chicago, Illinois 60603-5803
312-346-8000

By 

515
149

PATENT SPECIFICATION

EXAMINER'S

COPY

Div. 8

477,158

Application Date: June 23, 1936. No. 17452/36.

Complete Specification Left: June 22, 1937.

Complete Specification Accepted: Dec. 23, 1937.



PROVISIONAL SPECIFICATION

Improvements in Cocktail and like Cabinets

We, G. BETJEMANN & SONS, LIMITED, a British Company, and HORACE VICTOR ANDREW, a British Subject, both of 36, Pentonville Road, London, N., do hereby declare the nature of this invention to be as follows:—

This invention relates to cocktail and like cabinets and an object of the invention is to provide an improved form of cabinet in which the cellarette containing the ingredients is more readily accessible than is usually the case, so that the dispensing and mixing of the ingredients are facilitated, and a further object is to enable the cocktails to be served or transported in the most convenient manner.

According to the invention a cocktail cabinet has its cellarette completely removable and provided with wheels or castors similar to a serving trolley or dinner wagon, and the removable cellarette is normally located in a recess within the cabinet. The trolley or wagon which forms the cellarette is arranged with a flat top surface to form a table on which the mixing and shaking of the cocktails can be carried out, while beneath this flat top is arranged a shelf or shelves or containers which form the cellarette proper in which the bottles or other receptacles for the ingredients are kept.

The cabinet can be built with a central recess to receive the trolley or wagon, the base of the cabinet being cut away beneath this recess so that the wagon can be run straight into the recess and the cabinet is preferably provided with doors at the front which can be closed to enclose completely the cabinet and the wagon in the recess.

With this arrangement, when it is desired to mix a cocktail, the doors of the cabinet are opened and the trolley pulled out from the recess so that the cellarette is instantly completely accessible, while the flat topped surface of the trolley forms a convenient table or shelf on which the glasses can be stood, and the mixing and pouring carried out. Also the trolley or wagon can be moved about from place to place to facilitate the serving of the cocktails and since the lower part of the wagon forms the cellarette the ingredients are always at hand if further mixtures are required.

Dated this 23rd day of June, 1936.

ARTHUR E. EDWARDS,
Chartered Patent Agent,
Lincoln House, 296—302, High Holborn,
London,
Agents for the Applicants.

COMPLETE SPECIFICATION

Improvements in Cocktail and like Cabinets

We, G. BETJEMANN & SONS, LIMITED, a British Company, and HORACE VICTOR ANDREW, a British Subject, both of 36, Pentonville Road, London, N., do hereby declare the nature of this invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:—

This invention relates to cocktail and like cabinets and an object of the invention is to provide an improved form of cabinet in which the cellarette containing the ingredients is more readily accessible than is usually the case, so that the dispensing and mixing of the ingredients are facilitated, and a further object is to enable the cocktails to be served or transported in the most convenient manner.

There has already been proposed a side-board or dresser for concealing an aperture in a wall separating two rooms and having a passage therethrough closed by doors at each end, this passage serving for the transference of a table from one room to the other or for the storage of the table, and there has also been proposed a cabinet or stand of unit construction with a central open space occupied by a removable cupboard or table.

According to the present invention a cocktail cabinet has a solid back and sides and an interior recess in which is housed a removable cellarette in the form of a trolley or wagon mounted on wheels or castors, and the cabinet has doors on the

[Price 1/-]

front only, which can close completely the front of the cabinet and the recess in which the cellarette is housed. The trolley or wagon which forms the cellarette is arranged with a flat top surface to form a table on which the mixing and shaking of the cocktails can be carried out, while the lower part of the trolley is constructed as a box-like well which forms the cellarette proper in which the bottles or other receptacles for the ingredients are kept.

A construction of cocktail cabinet according to the invention is illustrated in the accompanying drawing, in which:—

Fig. 1, is a front elevation of the cabinet in its open position and with the cellarette partly withdrawn from the cabinet, while,

Fig. 2 is a sectional side view on line II—II of Fig. 1.

The cabinet consists of a body portion comprising a back 1 and two sides 2 supporting a horizontal shelf 3 extending completely between the two sides and from the back to the front of the cabinet, while other smaller shelves or racks 4, 5 are provided for glasses, these shelves 4, 5 being attached to the sides 2. The surface of the shelf 3 is covered with a glass sheet 6 and blocks 7 are provided on which tumblers can be stood.

To the front edges of the sides 2 are hinged doors 8 which can be swung together to close the front of the cabinet completely or can be swung open as shown to enable access to be obtained to the interior of the cabinet. The doors 8 also carry projecting racks 9 for holding articles.

To the top of the back 1 of the cabinet is hinged a lid 10 which can be held in open position by any suitable supporting means, indicated at 11, and to the inside of the lid is fixed an electric lighting fitting 12.

Beneath the shelf 3 is a drawer 13 and the open space below the drawer forms a housing for a trolley or wagon 14 which is open at the back and front and carries a shelf 15 for trays 16 and is formed at the bottom into a well or cellarette 17 in which the bottles or other receptacles for

the ingredients can be kept. The trolley or wagon 14 is mounted on castors 18 and is provided with rubber buffers 19. The top surface 20 of the wagon is made flat to form a table. As there is no actual base to the cabinet the wagon can be run straight into and out of the space for it.

With this arrangement, when it is desired to mix a cocktail, the doors of the cabinet are opened and the trolley pulled out from the recess so that the cellarette is instantly completely accessible, while the flat topped surface of the trolley forms a convenient table or shelf on which the glasses can be stood, and the mixing and pouring carried out. Also the trolley or wagon can be moved about from place to place to facilitate the serving of the cocktails and since the lower part of the wagon forms the cellarette the ingredients are always at hand if further mixtures are required.

Having now particularly described and ascertained the nature of our said invention, and in what manner the same is to be performed, we declare that what we claim is:—

1. A cocktail or like cabinet having a solid back and sides and an interior recess in which is housed a removable cellarette in the form of a trolley or wagon mounted on wheels or castors, and having doors on the front only which can close completely the front of the cabinet and the recess in which the cellarette is housed.

2. A cocktail or like cabinet according to Claim 1 having the trolley or wagon constructed with a bottom well forming the cellarette proper and with a flat top to act as a table.

3. A cocktail or like cabinet according to either of the preceding claims wherein the trolley is provided with buffer members projecting therefrom.

4. Cocktail or like cabinets substantially as hereinbefore described with reference to the accompanying drawing:

Dated this 22nd day of June, 1937.

ARTHUR E. EDWARDS,

Chartered Patent Agent,

Lincoln House, 296—302, High Holborn, London,

Agent for the Applicants.

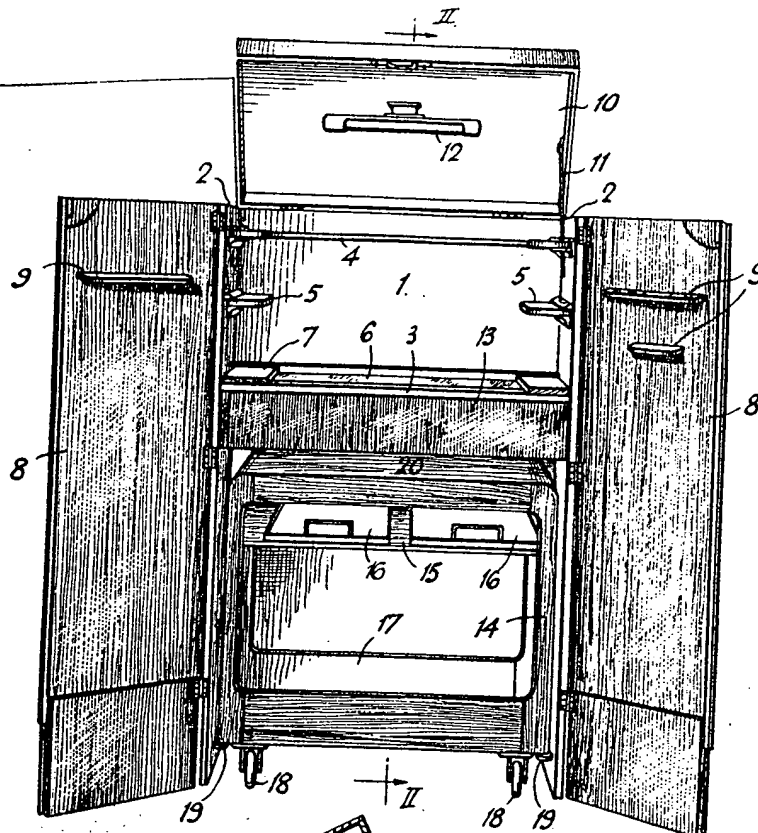


FIG. 1.

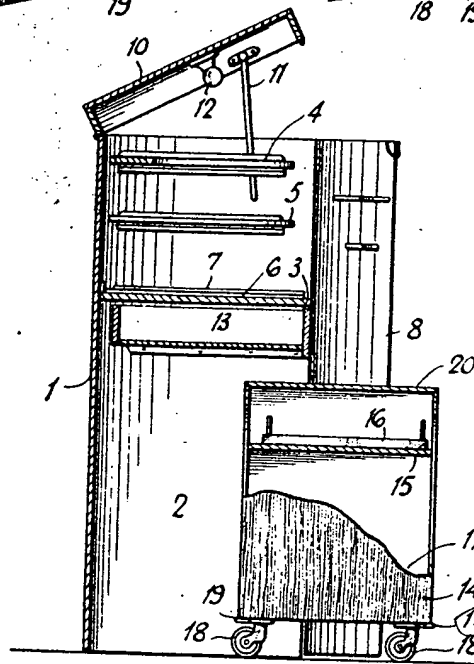


FIG. 2.